

AMENDMENTS TO THE CLAIMS

1. **(Currently amended)** A preventive or therapeutic agent for infection(s) with a pathogenic microorganism, ~~containing a member of basidiomycetes belonging to a biologically pure culture of~~ comprising *Tricholoma matsutake* FERM BP-7304 strain or an extract thereof.

2. **(Cancelled)**

3. **(Original)** The infection preventive or therapeutic agent according to claim 2 1, wherein *Tricholoma matsutake* FERM BP-7304 strain is a mycelium, a broth or a fruit body (including a spore).

4. **(Cancelled)**

5. **(Withdrawn-Currently amended)** The infection preventive or therapeutic agent according to claim 2 1, wherein the *Tricholoma matsutake* extract contains at least one of: a hot water extract of the mycelia of FERM BP-7304 strain; an alkaline solution extract of the mycelia of FERM BP-7304 strain; an anion exchange resin adsorption fraction of the hot water extract; and an anion exchange resin adsorption fraction of the alkaline solution extract.

6. **(Withdrawn-Currently amended)** The infection preventive or therapeutic agent according to claim 2 1, wherein the *Tricholoma matsutake* extract is an anion exchange resin adsorption fraction of a mixture obtained by mixing a hot water extract of the mycelia of the FERM BP-7304 strain with an alkaline solution extract of a mycelia residue when the mycelia hot water extract is obtained, wherein the anion exchange resin adsorption fraction has (a) a carbohydrate content of 60% to 72% in glucose equivalent determined by a phenol-sulfuric acid method and (b) a protein content of 28% to 40% in albumin equivalent determined by a copper-Folin method.

7. **(Original)** The infection preventive or therapeutic agent according to claim 1, which is intended for pathogenic bacteria.

8. **(Original)** The infection preventive or therapeutic agent according to claim 1, which is intended for a gram-negative bacterium.

9. **(Original)** The infection preventive or therapeutic agent according to claim 8, wherein the gram-negative bacterium is any of *Pseudomonas aeruginosa*, *Escherichia coli* including O-157, and *Helicobacter pylori*.

10. **(Original)** The infection preventive or therapeutic agent according to claim 1, which is intended for a gram-positive bacterium.

11. **(Original)** The infection preventive or therapeutic agent according to claim 10, wherein the gram-positive bacterium is *Listeria monocytogenes*.

12. **(Original)** A preventive or therapeutic agent for infection with a pathogenic microorganism, containing an infection preventive or therapeutic agent of claim 1 and an antibiotic.

13. **(Withdrawn-Currently amended)** A method of preventing or treating infection(s) with a pathogenic microorganism which comprises administering to a human or an animal in an effective amount of the preventive or therapeutic agent of any one of claims ~~1-11~~ 1, 3 and 5-11.

14. **(Withdrawn-Currently amended)** A method of preventing or treating infection(s) with a pathogenic microorganism which comprises administering to a human or an animal in an effective amount of the preventive or therapeutic agent of claim 12.

15. (Currently amended) A preventive or therapeutic food for infection with a pathogenic microorganism, ~~containing a member of basidiomycetes belonging to a biologically pure culture of~~ comprising *Tricholoma matsutake* FERM BP-7304 strain or an extract thereof.

16. (Cancelled)

17. (Currently amended) The infection preventive or therapeutic food according to claim ~~16~~ 15, wherein a mycelium, a broth or a fruit body (including a spore) of *Tricholoma matsutake* FERM BP-7304 strain is used.

18. (Cancelled)

19. (Withdrawn-Currently amended) The infection preventive or therapeutic food according to claim ~~16~~ 15, wherein the *Tricholoma matsutake* extract contains at least one of: a hot water extract of the mycelia of FERM BP-7304 strain; an alkaline solution extract of the mycelia of FERM BP-7304 strain; an anion exchange resin adsorption fraction of the hot water extract; and an anion exchange resin adsorption fraction of the alkaline solution extract.

20. (Withdrawn-Currently amended) The infection preventive or therapeutic food according to claim ~~16~~ 15, wherein the *Tricholoma matsutake* extract is an anion exchange resin adsorption fraction of a mixture solution obtained by mixing a hot water extract of the mycelia of the FERM BP-7304 strain with an alkaline solution extract of a mycelia residue when the mycelia hot water extract is obtained, wherein the anion exchange resin adsorption fraction has (a) a carbohydrate content of 60% to 72% in glucose equivalent determined by a phe-nol-sulfuric acid method and (b) a protein content of 28% to 40% in albumin equivalent determined by a copper-Folin method.

21. (Original) The infection preventive or therapeutic food according to claim 15, which is intended for pathogenic bacteria.

22. (Original) The infection preventive or therapeutic food according to claim 15, which is intended for a gram-negative bacterium.

23. (Original) The infection preventive or therapeutic food according to claim 22, wherein the gram-negative bacterium is any of *Pseu-domonas aeruginosa*, *Escherichia coli* including O-157, and *Helicobacter pylori*.

24. (Original) The infection preventive or therapeutic food according to claim 15, which is intended for a gram-positive bacterium.

25. (Original) The infection preventive or therapeutic food according to claim 24, wherein the gram-positive bacterium is *Listeria monocytogenes*.

26. (Original) A preventive or therapeutic food for infection with a pathogenic microorganism, containing an infection preventive or therapeutic food of claim 15 and an antibiotic.

27. (Withdrawn-Currently amended) A method of preventing or treating infection(s) with a pathogenic microorganism which comprises the intake of by a human or an animal in an effective amount of the preventive or therapeutic food of any one of claims ~~15-25~~ 15, 17 and 19-25.

28. (Withdrawn-Currently amended) A method of preventing or treating infection(s) with a pathogenic microorganism which comprises the intake of by a human or an animal in an effective amount of the preventive or therapeutic food of claim 26.